

**UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF TEXAS,
SHERMAN DIVISION**

CHARLES and SHELBIE SYKES, §
§
Plaintiffs, §
§
v. § No.
§
§
HUNTER WARFIELD COLLECTIONS §
AND ASSET INVESTIGATIONS §
§
§
Defendant. §

PLAINTIFFS' COMPLAINT AND DEMAND FOR JURY TRIAL

CHARLES and SHELBIE SYKES (Plaintiffs), through their attorneys, KROHN & MOSS, LTD., allege the following against HUNTER WARFIELD COLLECTIONS AND ASSET INVESTIGATIONS (Defendant):

INTRODUCTION

1. Plaintiffs' Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Texas, and therefore, personal jurisdiction is established.

5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*.

PARTIES

6. Plaintiffs are natural persons residing in Plano, Collin County, Texas.
7. Plaintiffs are consumers as that term is defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiffs allegedly owe a debt as that term is defined by *15 U.S.C. 1692a(5)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought to collect a consumer debt from Plaintiffs.
9. Defendant is a national debt collection company and with an office in Tampa, Florida.

FACTUAL ALLEGATIONS

10. On March 30, 2011, Defendant's representative, Wayne Rivers, threatened to garnish Plaintiffs' social security checks if they did not pay the alleged debt today.
11. Defendant's representative, Wayne Rivers, threatened that he would write on their file their refusal to pay and Defendant would "take action" against them if they did not pay the alleged debt.
12. Defendant calls Plaintiff from 813-283-5920.
13. Defendant calls Plaintiff's telephone number 214-245-4569.

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692e(4) of the FDCPA by threatening to garnish Plaintiffs' wages when Defendant did not intend to take such action.
 - b. Defendant violated §1692e(5) of the FDCPA by threatening to file a lawsuit against Plaintiffs even though Defendant does not intend to do so.

- c. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt by threatening to file a lawsuit against Plaintiffs even though Defendant does not intend to do so.
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt by threatening to garnish Plaintiffs' wages when Defendant did not intend to take such action.

WHEREFORE, Plaintiffs, CHARLES and SHELBIE SYKES, respectfully request judgment be entered against Defendant, HUNTER WARFIELD COLLECTIONS AND ASSET INVESTIGATIONS, for the following:

15. Statutory damages pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
17. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Michael Agruss, Esq.
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiffs, CHARLES and SHELBIE SYKES, demand a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, CHARLES SYKES, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, CHARLES SYKES, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

6/2/11

Date



CHARLES SYKES

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF TEXAS

Plaintiff, SHELBIE SYKES, states the following:

6. I am the Plaintiff in this civil proceeding.
7. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
8. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
9. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
10. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, SHELBIE SYKES, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

6/02/2011
Date


SHELBIE SYKES